IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2990 of 2007

Namdeo Sakharam Jadhar. Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Kuldeep S. Patil, Advocate for the Applicant.

Mr K. V. Saste, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 13TH SEPT, 2007.

P.C.:-

1. Heard learned Advocate for the applicant- accused and learned A.P.P.for the State.

2. Perused application and the material available on record.

3. The applicant-accused is seeking anticipatory bail in Crime No. 62 of 2007 registered with Junnar Police Station for the offence punishable under Section 376 504, 506 of the I.P.C.

4. According to the prosecution story, the age of the complainant is said to be 19 years. It is contended in the F.I.R. that on

10.11.2006 the complainant was alone in her house. At about 3:00 p.m. accused came in her house and asked her for water. On noticing that the complainant is alone in the house, the applicant-accused committed forcible sexual intercourse with the prosecutrix and again repeated the same act after two months. It is,thus, the case of the prosecution that the incident of forcible intercourse took place for more than two occasions. Due to alleged physical relationship, the complainant has conceived on 23.7.2007. She has delivered a female child and the complaint was lodged on 31.7.2007, i.e. after delivery of the said child.

5. The learned counsel appearing for the applicant in the above back-drop contends that the allegations are absolutely false and accused is implicated by his political rivals. The learned counsel for the applicant further submits that the applicant is ready to co-operate with the Investigating agency. According to him, the accused-applicant is also ready to undergo necessary medical examination and the DNA test which according to him can be done by the prosecution without custodial interrogation.

6. The learned APP though tried to oppose this application; but could not take his submission to the logical end. In the absence of any positive evidence available on record and considering delay in lodging F.I.R.after almost more than ten months, I find no necessity of the custodial interrogation.

7. Having heard both the parties and in the above backdrop, prima facie, I am inclined to grant anticipatory bail to the applicant.

8. In the result, the applicant,Namdeo Sakharam Jadhar in the event of arrest in C.R. No.62 of 2007 registered with Junnar Police Station for the offence punishable under Section 376 504, 506 of the I.P.C.be released on bail on his furnishing personal bond in the sum of Rs.35,000/- with one or two sureties in the like amount on following terms and conditions:

a] that the said applicant should report to Junnar Police Station,once in a week i.e. on every Monday between 3.00 to 5.00 p.m.till filing of the charge sheet.

b] the said applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

c] the said applicant shall not pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

9. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the said applicant to apply for regular bail before the regular Court.

10. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

11. The application is allowed in the above terms.

(V.C.DAGA,J.)